



NATIONAL LABOR RELATIONS BOARD

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IN 3-YEAR REPORT, NLRB CHAIRMAN GOULD ASSESSES AGENCY DECISIONS, INITIATIVES; SEES PROGRESS IN LABOR RELATIONS ENVIRONMENT

National Labor Relations Board Chairman William B. Gould IV said he believes the decisions the Board has issued and the initiatives it has implemented during the past three years have improved U.S. labor-relations by better balancing the competing interests of labor and management and by streamlining administrative procedures.

In a three-year report released today by Chairman Gould on the third anniversary of his appointment, he said his primary goal has been "to uphold the law impartially, to promote some measure of balance between labor and management, and to bring both sides closer together by fostering a more cooperative environment." Another objective has been to reduce the need for litigation and to simplify and expedite NLRB procedures, he said.

"In the main, the initiatives have been successful -- though some aspects of my reforms have met with resistance," Mr. Gould stated. For the remaining 18 months of his term, he said he will continue pursuing his original goals while "reaching for the middle ground -- or vital center, as President Clinton has described it. After all, the NLRB is neither pro-labor, nor pro-employer -- nor should it be."

As an indicator of the Board's impartiality, Chairman Gould pointed out that the Board's decisions during his tenure have been enforced by the U.S. Courts of Appeals in whole or part about 80% of the time, and in the last quarter the enforcement rate was more than 90%.

The NLRB chairman expressed disappointment that the Board's proposed "single unit" rule "became a hostage in the deliberations over our budget" and could not be finalized. He said the proposed rule was intended "to eliminate unnecessary delays and litigation in the traditional case-by-case litigation method" by setting forth the factors it would use in determining the appropriateness of a single location bargaining unit where the employer has more than one facility. A rider prohibiting its implementation was attached to the NLRB's final appropriations bill for FY 1996 and FY 1997.

The report assesses a number of Chairman Gould's initiatives and identifies selected decisions rendered by the Board since March 1994. Among the highlights:

- While disagreeing with some Board precedent, Chairman Gould stated "my primary focus has been and will continue to be effectively implementing existing law."
- A "Super Panel" system for processing certain cases has expedited the decisional process. Under this procedure, a panel of three Board Members meets each week to hear cases which involve issues that lend themselves to quick resolution without written analyses by each Board Member's staff.
- "Speed Teams" are used to reduce the amount of staff time devoted to cases where the Board is adopting recommended decisions of Administrative Law Judges.
- "Settlement Judges" are assigned in select cases that may lend themselves to quick resolution. Under this procedure, a judge is assigned to a case other than the trial judge to conduct settlement discussions.
- "Bench Decisions" are permitted in certain cases. The judge notifies the parties early in the process that oral argument will be heard in lieu of briefs. After oral argument, the judge reads the decision into the record and later certifies the transcript that contains the decision.
- Judges were given time targets for issuing their decisions.
- The Board increased the use of injunctions under Section 10(j) of the National Labor Relations Act as an effective means of bringing about compliance. Since March 1994, the Board has had a success rate of 88%, including wins and settlements, on a par with or better than the experience of prior Boards.
- Advisory Panels composed of distinguished labor and management attorneys were formed to provide the Board and General Counsel with practical input from practitioners on a wide range of topics. Six sets of panel meetings have been held to date.
- The Board was able to reduce its backlog to 397 cases as of the end of FY 1996 – one of the lowest levels in over two decades. By comparison, the backlog in February 1984 was 1,647

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